

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 536 be amended to read as follows:

- 1 Page 2, line 9, delete "Sale" and insert "**A felony conviction**
- 2 **involving the sale**".
- 3 Page 3, line 35, delete "conviction or judgment" and insert "**felony**
- 4 **conviction**".
- 5 Page 3, line 36, after "and the" insert "**felony**".
- 6 Page 3, line 36, delete "or violation".
- 7 Page 3, line 42, strike "shall" and insert "**may**".
- 8 Page 4, line 2, strike "not issue" and insert "**withhold issuance of**".
- 9 Page 33, line 31, after "means" insert "**any substance, other than**
- 10 **a controlled substance or a drug for which a prescription is**
- 11 **required under federal or state law, that:**
- 12 (1) is expressly or impliedly represented to be a synthetic
- 13 drug;
- 14 (2) is distributed under circumstances that would lead a
- 15 reasonable person to believe that the substance is a synthetic
- 16 drug; or
- 17 (3) by overall dosage unit appearance, including shape, color,
- 18 size, markings, or lack of markings, taste, consistency, or any
- 19 other identifying physical characteristic of the substance,
- 20 would lead a reasonable person to believe the substance is a
- 21 synthetic drug."
- 22 Page 33, delete lines 32 through 39.
- 23 Page 43, line 29, delete "Class A" and insert "**Class B**".
- 24 Page 43, line 29, delete "offense" and insert "**violation**".
- 25 Page 43, line 29, delete "Class D felony" and insert "**Class A**
- 26 **infraction**".
- 27 Page 43, line 30, delete "offense is committed knowingly or
- 28 intentionally and the".
- 29 Page 43, line 31, delete "or conviction".
- 30 Page 44, line 7, delete ":" and insert "**the person has a prior**

conviction for an offense involving a synthetic drug or synthetic drug lookalike substance; and

(2) a Class C felony if:

(A) the person has a prior conviction for an offense involving a synthetic drug or synthetic drug lookalike substance; and

(B) the person delivered or financed the delivery of:

(i) more than three (3) grams of the synthetic drug or synthetic drug lookalike substance; or

(ii) the synthetic drug or synthetic drug lookalike substance on a school bus, within five hundred (500) feet of school property while a person under eighteen (18) years of age was reasonably expected to be present, or within five hundred (500) feet of a public park while a person under eighteen (18) years of age was reasonably expected to be present."

Page 44, delete lines 8 through 20.

Page 44, delete lines 24 through 27.

Page 44, line 28, delete "(2)" and insert "(1)".

Page 44, line 31, delete "(3)" and insert "(2)".

Page 44, line 34, delete "(4)" and insert "(3)".

Page 44, line 36, after "consideration;" insert "and".

Page 44, line 39, delete ";" and insert ".".

Page 44, delete lines 40 through 42.

Page 44, delete lines 1 through 2.

Page 45, line 3, delete "or civil".

Page 45, line 5, delete "involved" and insert "was a felony involving".

Page 45, line 9, delete "shall" and insert "may".

(Reference is to SB 536 as printed February 1, 2013.)

Senator TALLIAN